

10037977-110901

PATENT

Attorney's Docket No. 203-589 CIP (1273 CIP)

COMBINED DECLARATION AND POWER OF ATTORNEY
 (ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL
 CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

- ☒ original
☐ design
☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
☐ continuation
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

ARTICULATING ENDOSCOPIC SURGICAL APPARATUS

SPECIFICATION IDENTIFICATION

the specification of which: (complete (a), (b) or (c))

- (a) ☒ is attached hereto.
 (b) ☐ was filed on _____ as ☐ Serial No. 0 / _____
 or ☐ Express Mail No., as Serial No. not yet known _____
 and was amended on _____ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(Declaration and Power of Attorney [1-1]—page 1 of 4)

- (c) ☐ was described and claimed in PCT International Application No. _____ filed on _____ and as amended under PCT Article 19 on _____ (if any).

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

- ☐ In compliance with this duty there is attached an information disclosure statement 37 CFR 1.97.

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.
(e) ☐ such applications have been filed as follows.

NOTE: Where item (d) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253; JOSEPH J. CATANZARO, Reg. No. 25,837; DAVID M. CARTER, Reg. No. 30,949; ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375; PAUL J. FARRELL, Reg. No. 33,494; PETER DELUCA, Reg. No. 32,978; JEFFREY S. STEEN, Reg. No. 32,063, and RAYMOND E. FARRELL, Reg. No. 34,816, each of them of DILWORTH & BARRESE, 333 Earle Ovington Boulevard, Uniondale, New York 11553; and, THOMAS R. BREMER, Reg. No. 29,489; JOHN C. ANDRES, Reg. No. 30,931; BASAM E. NABULSI, Reg. No. 31,645; NEIL D. GERSHON, Reg. No. 32,225; MARK FARBER, Reg. No. 34,159; and ANTHONY P. VENTURINO, Reg. No. 31,674, each of them of UNITED STATES SURGICAL CORPORATION, 150 Glover Avenue, Norwalk, Connecticut 06856.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Rocco S. Barrese, Esq.
DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, NY 11553

Rocco S. Barrese
(516) 228-8484

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor David A. Nicholas
Inventor's signature David A. Nicholas
Date 7-1-92 Country of Citizenship USA
Residence 148 Cottage Street, Trumbull, CT 06611
Post Office Address SAME AS ABOVE

Full name of second joint inventor, if any Ernie Aranyi
Inventor's signature Ernie Aranyi
Date 7-17-92 Country of Citizenship USA
Residence 170 Stepeny Road, Easton, Connecticut 06612
Post Office Address SAME AS ABOVE

(Declaration and Power of Attorney [1-1]—page 3 of 4)

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CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

- ☒ Signature for third and subsequent joint inventors. Number of pages added 2
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added _____
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added _____
- ...
- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.
- ☐ Number of pages added _____
- ...
- ☐ Authorization of attorney(s) to accept and follow instructions from representative
- ...

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item

- ☐ This declaration ends with this page

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR SIGNATURE BY SUBSEQUENT INVENTORS

SIGNATURE(S)

Full name of sixth inventor David T. Green
Inventor's signature *David T. Green*
Date 7-21-92 Country of Citizenship U.K.
Residence Westport, Connecticut 06880
Post Office Address 28 Bermuda Road, Westport, Connecticut 06880

Full name of seventh inventor Henry Bolanos
Inventor's signature *Henry Bolanos*
Date 7/21/92 Country of Citizenship U.S.A.
Residence East Norwalk, Connecticut 06855
Post Office Address 9 Tonetta Circle, East Norwalk, Connecticut 06855

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ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS

Full name of third joint inventor, if any Boris Zvenyatsky
Inventor's signature Boris Zvenyatsky
Date 7.01.92 Country of Citizenship USA
Residence 1594 Metropolitan Avenue, Bronx, N.Y. 10462
Post Office Address SAME AS ABOVE

Full name of fourth joint inventor, if any Paul A. Matula
Inventor's signature Paul A. Matula
Date 7/1/92 Country of Citizenship USA
Residence 79 Stony Hill Villages, Brookfield, CT 06804
Post Office Address SAME AS ABOVE

Full name of fifth joint inventor, if any Stanley H. Remiszewski
Inventor's signature Stanley H. Remiszewski
Date 7/2/92 Country of Citizenship USA
Residence 89 Spectacle Hill Road, Bolton, Massachusetts 01740
Post Office Address SAME AS ABOVE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **David A. Nicholas et al**

Examiner: **To Be Determined**

Group Art Unit: **To Be Determined**

Serial No: **To Be Determined**

Filed: **Concurrently Herewith**

For: **ARTICULATING ENDOSCOPIC SURGICAL APPARATUS**

ASSOCIATE POWER OF ATTORNEY (37 C.F.R. 1.34)

Sir:

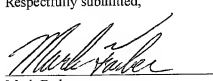
Please recognize as Associate Attorneys in this case:

DAVID KORIS, Reg. No. 30,908; DOUGLAS E. DENNINGER, Reg. No. 31,752; PAUL R. AUDET, Reg. No. 26,439; and LAWRENCE CRUZ, Reg. No. 36,385 each of them of United States Surgical, a division of TYCO HEALTHCARE GROUP LP, 150 Glover Avenue, Norwalk, Connecticut 06856.

PETER G. DILWORTH, Reg. No. 26,450; ROCCO S. BARRESE, Reg. No. 25,253; DAVID M. CARTER, Reg. No. 30,949; PAUL J. FARRELL, Reg. No. 33,494; PETER DELUCA, Reg. No. 32,978; JEFFREY S. STEEN, Reg. No. 32,063; JOSEPH W. SCHMIDT, Reg. No. 36,920; RAYMOND E. FARRELL, Reg. No. 34,816; ADRIAN T. CALDERONE, Reg. No. 31,746; GEORGE M. KAPLAN, Reg. No. 28,375; RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; EDWARD C. MEAGHER, Reg. No. 41,189; MICHAEL E. CARMEN, Reg. No. 43,533; HAROLD G. FURLOW, Reg. No. 43,621; DANIEL E. TIERNEY, Reg. No. 33,461; MICHAEL J. MUSELLA, Reg. No. 39,310; JUDY NAAMAT, Reg. No. 39,311; MICHAEL R. BREW, Reg. No. 43,513; MICHAEL R. BREW, Reg. No. 43,513; MICHAEL J. PORCO, Reg. No. 46,007; JOHN F. GALLAGHER, Reg. No. 47,234; and FRANCESCO SARDONE, Reg. No. 47,918; each of them of DILWORTH & BARRESE, LLP, 333 Earle Ovington Boulevard, Uniondale, New York 11553.

Respectfully submitted,

Dated: 11/8/01


Mark Farber
Reg. No. 34,159

Attorney for Applicant(s)
U. S. Surgical, a division of
TYCO HEALTHCARE GROUP LP
150 Glover Avenue
Norwalk, CT 06856
(203) 845-1480

Attorney's Docket No. 203-589 CIP

PATENT

For: ☒ U.S. and/or ☒ Foreign Rights
 For: ☒ U.S. Application or ☐ U.S. Patent
 By: ☒ Inventor(s) or ☐ Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR: DAVID A. NICHOLAS, ERNIE ARANYI,
 BORIS ZVENYATSKY, PAUL A. MATULA,
 (inventor(s) or STANLEY H. REMISZEWSKI, DAVID T. GREEN and
 person(s) or HENRY BOLANDS
 who own the invention)

(If assignment is by person or entity to whom invention was previously assigned and this was recorded in PTO add the following)

Recorded on _____

Reel _____

Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

United States Surgical Corporation

(Type or print name of ASSIGNEE)

150 Glover Avenue

Address

Norwalk, Connecticut 06856USA

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

(complete one of the following)

☒ the entire right, title and interest☐ an undivided _____ percent (_____%) interest

for the United States and its territorial possessions

(check the following box if foreign rights are also to be assigned)

☒ and in all foreign countries, including all rights to claim priority,

In and to any and all improvements which are disclosed in the invention entitled:
ARTICULATING ENDOSCOPIC SURGICAL APPARATUS

(check and complete (a), (b), (c) or (d))

(Assignment of Invention [16-3]—page 1 of 2)

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and which is found in

- (a) ☒ U.S. patent application executed on even date herewith
(b) ☐ U.S. patent application executed on _____
(c) ☐ U.S. application serial no. 0 / _____ filed on _____
(d) ☐ U.S. patent no. _____ issued _____

☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (e) if foreign application(s) is also being assigned)

- (e) ☒ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any re-issue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this _____ (Date of signing).

WARNING: Date of signing must be the same as the date of execution of the application if item (a) was checked above.

Richard C. Richardson 7-17-92
DATED

E. H. H. H. H. 7-17-92
Dated

Boris Zvenyatsky 7. 17. 92.
Dated

Russell A. Matula 7/17/92
Dated

Henry Solomon 7/21/92
Dated

David J. Lee 7/21/92
Dated

Stanley H. Behrman 7/29/92
Dated

If ASSIGNOR is a legal entity complete the following information

Type or print the name of the above person authorized to sign on behalf of ASSIGNOR

Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized then it will only be prima facie evidence of execution 35 USC 261. Use next page if notarization is desired.

☒ Notarization or Legalization Page Added.

STATE OF Connecticut
SS Norwalk
COUNTY OF Fairfield

On this 17th day of July, 1992,
before me personally appeared David A. Nicholas
to me personally known and known to me to be the person
who signed the foregoing assignment and acknowledged the
signing of same as his free act and deed.

Joan Simmons
Notary Public

STATE OF Connecticut
SS Norwalk
COUNTY OF Fairfield

JOAN SIMMONS
NOTARY PUBLIC
MY COMM. EXPIRES MARCH 31, 1993

On this 17th day of July, 1992,
before me personally appeared Ernie Aranyi;
to me personally known and known to me to be the person
who signed the foregoing assignment and acknowledged the
signing of same as his free act and deed.

Joan Simmons
Notary Public

STATE OF Connecticut
SS Norwalk
COUNTY OF Fairfield

JOAN SIMMONS
NOTARY PUBLIC
MY COMM. EXPIRES MARCH 31, 1993

On this 17th day of July, 1992,
before me personally appeared Boris Zvervatsky
to me personally known and known to me to be the person
who signed the foregoing assignment and acknowledged the
signing of same as his free act and deed.

Joan Simmons
Notary Public

STATE OF Connecticut
SS Norwalk
COUNTY OF Fairfield

JOAN SIMMONS
NOTARY PUBLIC
MY COMM. EXPIRES MARCH 31, 1993

On this 17th day of July, 1992,
before me personally appeared Paul A. Matula
to me personally known and known to me to be the person
who signed the foregoing assignment and acknowledged the
signing of same as his free act and deed.

Joan Simmons
Notary Public

JOAN SIMMONS
NOTARY PUBLIC
MY COMM. EXPIRES MARCH 31, 1993

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STATE OF Connecticut
SS Norwalk
COUNTY OF Fairfield

On this 21 day of July, 1992,
before me personally appeared DAVID T. GROWN
to me personally known and known to me to be the person
who signed the foregoing assignment and acknowledged the
signing of same as his free act and deed.

Gretchen S. Reddy
Notary Public
NOTARY PUBLIC
My Commission Expires March 31, 1993

STATE OF Connecticut
SS Norwalk
COUNTY OF Fairfield

On this 21 day of July, 1992,
before me personally appeared HENRY BOLANOS
to me personally known and known to me to be the person
who signed the foregoing assignment and acknowledged the
signing of same as his free act and deed.

Gretchen S. Reddy
Notary Public
NOTARY PUBLIC
My Commission Expires March 31, 1993

STATE OF Massachusetts
~~Connecticut~~ SS ~~Norwalk~~
COUNTY OF ~~Fairfield~~ Andover
Essex

On this 29th day of July, 1992,
before me personally appeared STANLEY H. REMISZEWSKI
to me personally known and known to me to be the person
who signed the foregoing assignment and acknowledged the
signing of same as his free act and deed.

Patricia O. Fitzgerald
Notary Public
My Commission Expires
November 21, 1995

STATE OF Connecticut
SS Norwalk
COUNTY OF Fairfield

On this day of July, 1992,
before me personally appeared
to me personally known and known to me to be the person
who signed the foregoing assignment and acknowledged the
signing of same as his free act and deed.

Notary Public

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